

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA '07 MJ 2944
07 DEC 20 AM 10:12

UNITED STATES OF AMERICA, Magistrate's Case No.:

Plaintiff,

v.

BY:

Juan DELGADO-Fierro

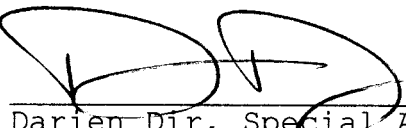
Defendant

) COMPLAINT FOR VIOLATION OF
)
) DEPUTY
) Title 21 U.S.C.S 841(a)(1)
) Possession of a controlled
) Substance with Intent to
) Distribute
)
)
)


The undersigned complainant duly sworn states:

That on or about December 19, 2007, within the Southern District of California, defendant Juan DELGADO-Fierro did knowingly and intentionally possess with intent to distribute approximately 377.565 kilograms (832.39 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title 21 United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.


Darien Dir, Special Agent
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, December 20, 2007.


William McCurine
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Juan DELGADO-Fierro

4 **STATEMENT OF FACTS**

5 I, Special Agent Darien Dir, of the Drug Enforcement
6 Administration, declare under penalty of perjury, the following is
7 true and correct:

8 On December 19, 2007, United States Border Patrol (USBP) Agent
9 Heath Nichol was assigned to patrol the area immediately southeast
10 of the Campo, California USBP Station. At approximately 8:10am,
11 Agent Nichol, who was traveling southbound on a dirt road known as
12 Birdman's Access Road, encountered a black Ford Bronco sport
13 utility vehicle (SUV) and a green GMC Yukon SUV which were both
14 traveling northbound in tandem at a high rate of speed. Birdman's
15 Access Road" directly connects the town of Campo to International
16 Border fence which divides The United States and Mexico and is a
17 common route used by smugglers. Agent Nichol began to follow the
18 vehicles. Once the vehicles reached Highway 94, the Ford Bronco
19 turned west and the Yukon went east. Agent Nichol followed the GMC
20 Yukon east. Additional USBP agents were contacted and notified of
21 the Ford Bronco traveling west on Highway 94.

22 At approximately 8:21am, Agent Nichol activated his emergency
23 lights and siren. The Yukon failed to yield and continued east.
24 Shortly thereafter, the driver made a sharp turn into a ranch and
25 drove through a locked gate. Agent Nichol followed the vehicle
26 until it came to a stop. The driver of the vehicle, later
27 identified as Juan DELGADO-Fierro, ran from the vehicle into an
28

open field. Agent Nichol arrived at the vehicle and immediately
1 noticed a strong smell of marijuana and saw a large number of
2 bundles hiding underneath a blanket in the rear of the SUV. After
3 securing the vehicle, Agent Nichol gave chase to DELGADO-Fierro and
4 apprehended him. A total of 156 cellophane and duct tape wrapped
5 packages were removed from the GMC Yukon for a total weight of
6 377.565 kilograms (832.39 pounds). DELGADO-Fierro, the Yukon, and
7 the marijuana were transported to the Campo USBP Station.
8

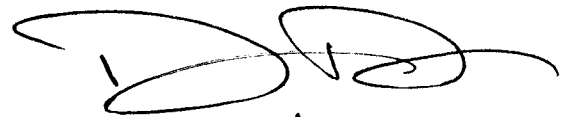
9 The Ford Bronco SUV was stopped a short time later. The
10 Bronco was found to contain 325.112 kilograms (716.75 pounds) of
11 marijuana. The driver of that vehicle was a juvenile.

12 Once at the Campo Border Patrol Station, USBP Agent Jeffrey
13 Dinise removed a small amount of the green, leafy substance from
14 one bundle from each vehicle and conducted a narcotics test
15 utilizing a NARKIT-Jr Drug Test Kit. The green, leafy substance
16 tested positive for properties of marijuana.

17 The Drug Enforcement Administration (DEA) was notified.
18 Special Agents (SA) Darien Dir and Chris Swartz responded and took
19 custody of DELGADO-Fierro, the juvenile, and the marijuana. At
20 2:28pm, a fluent Spanish speaking USBP agent, Raul Tamayo, read
21 DELGADO-Fierro his Miranda Rights in Spanish via a DEA-13A card, as
22 witnessed by SA Dir. DELGADO-Fierro stated that he understood his
23 rights and agreed to speak to Agents.
24

25 DELGADO-Fierro stated that he used to be employed by an
26 individual named Manuel PENA as a foot guide assisting aliens to
27 enter the United States illegally. DELGADO-Fierro further reported
28 that on July 13, 2001, PENA helped smuggle DELGADO-Fierro in the

United States illegally for which DELGADO-Fierro owed PENA \$2,000.00. DELGADO-Fierro stated that he was arrested on July 13, 2001, for illegal entry and never repaid PENA. DELGADO-Fierro stated that PENA agreed to erase the debt if DELGADO-Fierro smuggled a load of marijuana into the United States. DELGADO-Fierro accepted PENA's offer and was dropped off by PENA near the international border south of Campo, California. Once there, DELGADO-Fierro retrieved the GMC Yukon which was already loaded with marijuana. DELGADO-Fierro stated that he drove the vehicle North and was apprehended a short time later. DELGADO-Fierro stated that he was going to deliver the marijuana laden vehicle to an unknown location in San Diego, California.


Special Agent
DARIEN DUR
W. Melarney Jr.